

103-04-04

1645

PTO/SB/21 (08-03)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

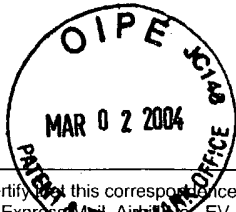
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	09/928,227
		Filing Date	August 9, 2001
		First Named Inventor	Michael J. MAHAJAN
		Art Unit	1645
		Examiner Name	G. Portner
Total Number of Pages in This Submission	4	Attorney Docket Number	220002060725

RECEIVED  
MAR 09 2004

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	1. Communication (2 pages)
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	2. Signed last page of Amendment filed on 2/27/04.
<input type="checkbox"/> Certified Copy of Priority Document(s)		3. Return receipt postcard
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP (Customer No. 25226) Shantanu Basu, Reg. No. 43,318
Signature	
Date	March 2, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV332779815US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: March 2, 2004	Signature:  (Tia Zimmerman)



I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airmail No. EV 332779815US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: March 2, 2004 Signature: \_\_\_\_\_

(Tia Zimmermann)

Docket No.: 220002060725  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Michael J. MAHAN et al.

**RECEIVED**

Application No.: 09/928,227

Art Unit: 1645

**MAR 09 2004**

Filed: August 9, 2001

Examiner: G. Portner

For: **METHOD OF REDUCING BACTERIAL  
PROLIFERATION**

**COMMUNICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On February 27, 2004 an Amendment was filed with the U.S. Patent and Trademark Office in the above-referenced application. On March 1, 2004, the following business day, it was discovered that the last page of the Amendment was not signed by the attorney in an oversight. The Transmittal Form, the Fee Transmittal authorizing fees to be charged, and the Petition for Extension of Time requesting a three-month extension which accompanied the Amendment had all been signed by the attorney of record, and timely submitted with a Certificate of Mailing.

On March 2, 2004 a call was placed to Examiner Ginny Portner to resolve the situation. She consulted with a practice specialist, Deborah Reynolds, and it was determined that since three of the four documents were signed by the attorney of record and timely submitted, that the omission of the attorney's signature on the last page of the Amendment was an oversight. Examiner Portner advised to send the signed last page of the Amendment to be matched up with the Amendment filed on February 27, 2004. She further advised that this would rectify the situation and the Amendment would be accepted and the case would not be abandoned.

Application No.: 09/928,227


Docket No.: 220002060725

Accordingly, the signed last page of the Amendment submitted on February 27, 2004 is enclosed.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 220002060725. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March 2, 2004

Respectfully submitted,

By   
Shantanu Basu

Registration No.: 43,318  
MORRISON & FOERSTER LLP  
755 Page Mill Road  
Palo Alto, California 94304  
(650) 813-5995

Application No.: 09/928,227

Docket No.: 220002060725



In light of the amendments and arguments set forth above, Applicants earnestly believe that they are entitled to a letters patent and respectfully request the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 220002060725. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: February 27, 2004

Respectfully submitted,

By Shantanu Basu  
Shantanu Basu

Registration No.: 43,318  
MORRISON & FOERSTER LLP  
755 Page Mill Road  
Palo Alto, California 94304  
(650) 813-5995

RECEIVED  
MAR 09 2004